



MISCELLANY.

FOR THE GAZETTE.

EPITAPH ON WASHINGTON.

HERE keep, O grave! thy captive prey,
In safety, to the judgment day,
Nor will thy power longer last,
Know that the great archangels blast,
Every tomb, will break and burst
And give new life to sleeping dust!
Divine reward, await the just.
Winham, 1818.

An English captain, returning from the Indies, having touched on the coast of Guinea, took on board an ape that appeared to be endowed with extraordinary mildness and intelligence. The animal during the voyage perfectly answered the captain's expectations; he assisted in the cookery, and in his business always rested himself on his hands, holding a stick in one hand, and appeared particularly attentive in extinguishing the pipes that in any way caused a danger of fire. This animal so interesting for observation, died on the voyage, a victim to the ill usage of the second in command. This man caused him to be unjustly punished. The ape submitted to the chastisement with the most affecting resignation, during which he held up his hands in a supplicating attitude, as if imploring the cessation of his sufferings. From that moment he obstinately refused every kind of nourishment, and died after an illness of five days.

The following very singular fact in Natural History, is taken from Pierson's Life of Dr. Buchanan:
"Tell H. that I write this at the bottom of the lofty mountain, called Cape Cornovin, whose rocky head seems to overhang its base. The birds which build the pendulous nests are here numerous. At night each of their little habitations is lighted up, as if to sea company.—The sagacious little bird fastens a bit of clay to the top of the nest, and then picks up a fire fly and sticks it to the clay to illuminate the dwelling which consists of two rooms. Sometimes there are three or four fire flies, and their blaze of light in the little cell dazzles the eyes of the bats, which often kill these birds."

AN ORIGINAL ANECDOTE.

Our Fishermen.—It will be recollected that Admiral Coffin, of the British navy, visited the United States, a year or two since. While at Gadsby's hotel, in Billinore, he related the following anecdote:

Being in the South seas, he fell in with a Nantucket whale ship, and desirous of seeing the whole ceremony and operation of catching a whale, in true Yankee style, he asked liberty to go out in one of the boats for the purpose. This was readily agreed to, provided he would take a station and promise obedience to orders—no unnecessary person being permitted on board. He consented, and took his seat as oarsman. After a while, they encountered a whale, and struck him, *secundum artem*, and away he went, dragging the boat after him with such lightning like rapidity, as to make so deep a trough in the sea that it appeared and perhaps really was several inches higher than the uppermost part of the gunwale of the boat! The man whose place it was, stood ready with the axe, to cut the line when necessary. The admiral, much terrified at so novel a danger, looked at the axeman, who, perfectly collected and intent on his duty, was as calm as though he had been reposing on a bed of roses—and called out with great vehemence and agitation—
"Cut the rope, you
"Not yet," said the fisherman, very deliberately; "We can't afford to lose the yarn!"
Nor did they, for they took the whale, without loss or damage.

The admiral declared, that so great was his terror on the occasion, that he would rather be grappled in a frigate to a French seventy four, than assist in taking another whale.

Much is said of the Moving House from Maine. It was 18 feet in length, and drawn by 8 oxen. When last seen it was passing from Ux to Camillus, in New York state. It had two families and the usual furniture, and as they passed, when not in housewife they had their sewing, spinning and knitting.—What next?

The Marine Hospital at Charlestown suffered by fire on Saturday morning last.—Part of the building is saved. The fire is supposed to have come from the chimney. The patients, who were at breakfast when the fire took in the upper part of the house, were removed without injury.

Proclamation for a FAST.



BY HIS EXCELLENCY
JOHN BROOKS,
GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS,
A PROCLAMATION,
FOR A DAY OF HUMILIATION AND PRAYER.

AS we are dependent upon the Providence of God for our sustenance and support in this state of our existence, and upon his gratuitous mercy and favour for future happiness, it highly becomes us as creatures, and as offending beings, devoutly to seek the great source of all good, for competent supplies of his bounty and grace:—

I have therefore, and in conformity to the laudable example of our venerable Forefathers, thought fit to appoint, and with the advice and consent of Council, I do hereby appoint THURSDAY, the Second day of APRIL next, to be observed as a day of religious meditation, humiliation and prayer, throughout this Commonwealth. And the people of all religious denominations are requested to assemble on that day in their respective places of public worship, unitedly to supplicate the smiles of Divine Providence on all their interests, lawful employments and enterprises;—On their husbandry, that the land may yield its increase.—On their navigation and fisheries, their manufactures and commerce;—On the National Government, and especially on the President of the United States, that he may be the minister of God for good to this people;—On the Nations with whom we have a necessary intercourse, that they may continue to be amicable & peaceful;—On all Judges Officers of Justice;—On the Ministers of Religion, and the Instructors of Youth;—On the means of preserving health, prolonging life, and multiplying the sources of rational and innocent enjoyment;—On all our Schools and Colleges;—On our University and other Institutions for improving the human mind, and refining the public morals. And above all, humbling ourselves before God, and in the presence of each other, for our past ingratitude and transgressions, implore His free and unmerited grace for the pardon of all our sins through the redemption of His Son our great High Priest; That He will be pleased to implant in the hearts of this people the principles of Christian charity, lead to and preserve us in the obedience of faith—and that he will finally cause the religion of Jesus to be spread through the world, that the whole earth may be filled with the glory of God.

And the people are requested to abstain from all labor and recreation incompatible with the solemn services of the occasion.

Given at the Council Chamber in Boston, this second day of March, in the year of our Lord one thousand eight hundred and eighteen; and in the forty second year of the Independence of the United States of America

JOHN BROOKS.

By his Excellency's command, with the advice and consent of the Council,
ALDEN BRADFORD, Secretary.
God save the Commonwealth of Massachusetts.

Laws of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred and Eighteen.

AN ACT to prevent the destruction of certain useful Birds at unseasonable times of the year.

WHEREAS there are within this Commonwealth, many birds which are useful and profitable to the citizens either as articles of food, or as instruments in the hands of Providence to destroy various noxious insects, grubs and caterpillars which are prejudicial or destructive to vegetation, fruits and grain: and it is desirable to promote the increase and preservation of birds of the above description, and to prevent the wanton destruction of them at improper seasons.

SEC. 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That hereafter it shall not be lawful for any person to take, kill or destroy, any of the birds called Partridges and Quails, at any time from the first day of March, to the first day of September in every year; and no person shall take, kill or destroy, any of the birds called Woodcocks, Snipes, Larks and Robins, at any time from the first day of March to the 4th day of July in every year; and if any person shall take or kill, or shall sell, buy or have in his possession after being killed, or taken, any of the birds aforesaid, within the times limited as aforesaid respectively, he shall forfeit and pay for each and every partridge, quail, or woodcock, so taken, killed or in his possession, two Dollars; and for each and every snipe, lark or robin, so killed, taken, or in his possession, one Dollar; the forfeitures aforesaid to

be recovered by any person, who will sue for the same, within one year from the time of the offence committed, to his own use, in an action of debt, in any Court having jurisdiction of the amount demanded; or said forfeitures may be recovered by complaint to any justice of the peace in the name of the Commonwealth, to the use of the county where the prosecution may take place; and on failure to pay such forfeiture and cost on conviction, the offender may be committed to prison for a term not less than five, nor more than fifteen days.

SEC. 2. Be it further enacted, That if any person shall shoot at or kill any of the birds aforesaid, or any other birds, upon lands not owned or occupied by himself, without licence from the owner or occupant of such lands, at any time from the first day of March to the fourth day of July in every year, such person shall forfeit and pay to the occupant, or owner of such lands, where he may shoot at, or kill such bird, ten Dollars, as a penalty in addition to all other actual damages to be recovered by the party injured, by an action of trespass, in any court having jurisdiction of the amount demanded. Provided however that nothing in this act shall be construed to prevent the killing of Crows, Blackbirds, Owls, Bluejays, and Hawks, at any season of the year. And provided also, that the inhabitants of any town in the Commonwealth may at their annual meeting in March, or April in any year, by vote suspend the operation of the prohibitions and restrictions contained in this act, in whole or in part, within such town, and for such term of time not exceeding one year, as to them shall seem expedient.

Approved by the Governor, February, 12, 1818.
Copy examined by A. BRADFORD,
Secretary of Commonwealth.

AN ACT in addition to an act, entitled "An Act to enable creditors to receive their just demands out of the goods, effects and credits of their Debtors, when the same cannot be attached by the ordinary process of law."

SEC. 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That whenever any person, summoned as trustee of any debtor, shall, in his answer disclose an assignment to another, of the goods, effects or credits of the principal in his hands, and the plaintiff in the suit shall object that the assignment ought not to have any effect to defeat his attachment, and the Court shall think it just or convenient, that the assignee should become a party to the suit, the person, so stated to be assignee, may, for the purpose of trying the validity and effect of the assignment, become a party to the suit, upon his appearing voluntarily and claiming to be so admitted, or by coming into Court, upon being notified for that purpose, by a summons, which the court, where the action is pending, is authorized to issue, to be served and returned in such time and manner as the Court shall think the circumstances of the case may require; and if such supposed assignee shall not appear at the time and place named in such summons, his non-appearance shall be entered on the records; or the case may be continued to the next term, for further notice to the assignee, at the discretion of the Court; and if the supposed assignee does not appear in person, or by attorney, the assignment shall have no effect to defeat the plaintiff's attachment; and upon such assignee becoming a party to the suit, the validity of the assignment, or its effect on the case, shall be tried by the Court, or by a Jury, as the case may require; In which trial, in addition to the usual evidence in other cases, the original defendant may be admitted as a witness, upon the application of either party; and the Court may award legal costs for and against any of the parties, at its discretion; and either party may appeal from any judgment of the Court, as in other cases.

SEC. 2. Be it further enacted, That when any supposed trustee shall, at the time of the service of the writ upon him, dwell in any other county than that in which the writ is returnable, he shall not be required to appear in person in the original suit, nor in any suit upon a writ of *scire facias* founded thereon; but such supposed trustee may appear by attorney and declare, whether he had any, and what goods, effects or credits of the principal in his hands or possession, at the time when the writ was served on him, and thereupon submit himself to an examination on oath; and if the plaintiff shall not see fit further to examine such supposed trustee, his declaration, so made by attorney, shall be deemed and taken to be true: And if the plaintiff shall think proper to examine such supposed trustee on oath, the answers of the trustee, upon such examination, may be sworn to before any Judge of the Court of Common Pleas for the county in which the trustee may dwell, or before any Justice of the Peace; and in all cases when any supposed trustee shall have appeared in Court and submitted himself to an examination on oath in the manner prescribed by law, his answers, upon such examination, may be sworn to before any Judge of the Court of Common Pleas for the county in which the trustee may dwell, or before any Justice of the Peace; and such examination, being duly filed in the Court in which the writ is pending, shall, in every case have the same effect, and shall be considered in the same manner, in all respects, as if the same had been sworn to in the Court in which the writ is pending.

Approved by the Governor, February 20th, 1818.
Copy examined by A. BRADFORD,
Secretary of Commonwealth.

AN ACT in addition to the several acts now in force for the preservation of Salmon, Shad and Alewives, within the counties of Cumberland, Lincoln, Kennebeck, Oxford and Somerset.

SEC. 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the fines mentioned in the fourth section of an act, passed on the first day of March, in the year of our Lord one thousand seven hundred and ninety eight, shall henceforth be as followeth, viz. for each and every Salmon, caught contrary to the provisions of said act, and particularly described in said fourth section, by any person living or being within the counties of Cumberland, Lincoln, Kennebeck, Oxford and Somerset, the person so offending shall forfeit and pay the sum of four dollars for each and every Salmon; for each and every Shad, taken in like manner, one dollar; and for each and every Alewife, fifty cents.

SEC. 2. Be it further enacted, That, in addition to the fines mentioned in the fifth section of the act aforesaid, the net, seine, or other machine, set in the manner, and for the purpose described in said fifth section, together with the boat, shall be

forfeited, and be disposed of according to the law passed on the twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety four, entitled, "An Act prescribing the mode of recovering forfeitures of personal property, liable thereto by law, and also pecuniary forfeitures."

SEC. 3. Be it further enacted, That any person owning or occupying wares or hedges, on any of the rivers, streams, bays, coves, or ponds of water within the Counties aforesaid, from and after the tenth day of July, in each year, shall have an open space in each wing enver, trap or pound of said hedge or ware, in which Salmon, Shad, or Alewives, are at any time taken, ten feet wide from top to bottom, in the deepest water, so as effectually to let all the fish, of every species, have a free passage out, without being caught or taken; and the same passage ways or spaces to be kept open through the remainder of the year, so that all the small fish, or spawn, as well as the large fish, shall have a free passage to the sea; and if any owner or occupier of any ware or hedge, within the Counties aforesaid, shall neglect or refuse to keep open such passages or spaces therein, after the tenth day of July, in each year, such person or persons so offending, shall forfeit and pay a fine of ten dollars, for each day he or they shall thus neglect their duty.

SEC. 4. Be it further enacted, That every person who shall drift or drag any net or seine in the waters of Kennebeck river, or Merry-Meeting Bay, or in the Amarekogen river, emptying into the same, so as to scrape from the bottom, disturb or destroy any of the spawn or young of the Salmon, Shad or Alewives, at any season of the year, he or they, so offending, shall forfeit and pay a fine of ten dollars for each and every offence, and shall moreover forfeit the net or seine and boat so used, to be disposed of according to the law passed the twenty-second day of February, seventeen hundred and ninety-four.

SEC. 5. Be it further enacted, That if any owner or occupier of any ware or hedge within the Counties aforesaid, between the twentieth day of April and the tenth day of July, annually, shall refuse or neglect to keep open a free passage in each wing, curve, trap or pound in said hedge, where fish are at any time taken in the deepest water or channel, at least six feet wide, and six feet high from the bottom of the flats, from sun rise on Saturday to sun rise on Monday of each week, so as to let every species of fish pass out without being taken, he or they, so offending, shall forfeit and pay, for each offence, the sum of twenty dollars.

SEC. 6. Be it further enacted, That all fines and forfeitures incurred by any breach of this act, shall enure one half thereof, to the officer or person who shall prosecute for the same, and the other half to the use of the town within which the offence is committed.

Approved by the Governor, February 19, 1818.
Copy examined by A. BRADFORD,
Secretary of Commonwealth.

AN ACT further to provide for the payment of costs in criminal prosecutions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all costs arising in criminal prosecutions in the Supreme Judicial Court, the Circuit Court of Common Pleas, and the Municipal Court for the town of Boston, shall be paid out of the Treasury of the Commonwealth; and all fines and forfeitures, and all monies by force of any sentence in the Courts aforesaid, in criminal prosecutions, shall be then accounted for, in the manner, which is provided in the act, entitled, "An Act providing for the payment of costs in criminal prosecutions, and for preventing unnecessary costs therein."—Provided however, that nothing in this act shall be construed to authorize the taxing of other or higher fees in said Courts than is now allowed by law.

Approved by the Governor February 20, 1818.
Copy examined by A. BRADFORD,
Secretary of Commonwealth.

AN ACT in addition to "An act, regulating Bail in Civil Actions."

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That, it shall be lawful for any person, who may have become, or may hereafter become Bail for any debtor or other person arrested upon civil process, to commit to the common jail in the County where such arrest was made, or in that to which the writ is returnable, the principal for whom he has become bound, leaving with the jailer or prison keeper of such County an attested copy of the writ or process, whereby the arrest was made, and of the return endorsed, within fifteen days after such commitment; and such jailer or prison keeper is hereby authorized and required to receive the person so committed, into custody, in the same manner, as if he had been committed by the officer making the arrest; and the person so committed shall be entitled to the liberties and privileges of the prison limits upon the same terms and conditions, and under the same restrictions, as are provided in the several statutes, in such cases made and provided. And the Bail, so committing their principal, shall ever after be discharged from the bail bond, by them given: Provided however, that no person shall have the benefit of this act, unless he shall have committed his principal as aforesaid; before final judgment upon *scire facias*; and if the commitment shall have been made after the writ of *scire facias* shall have issued, he shall pay the costs of that suit before he shall be discharged: And provided also, that any Bails who shall claim a discharge under this act, shall have notified in writing, the plaintiff in the original suit, or his attorney, of the time when and the place where the principal has been committed within fifteen days from the time of such commitment.

Approved by the Governor, Feb. 20 1818.
Copy examined by A. BRADFORD,
Secretary of Commonwealth.

An able author, while treating incidentally of the fall of the Roman republic, remarks:—"The course that free nations run, is from virtuous industry to wealth; from wealth to luxury; from luxury to an impatience of discipline and corruption of morals; till by a total degeneracy and loss of virtue, being grown ripe for destruction, it falls at last a prey to some hardy oppressor, and with the loss of liberty, loses every thing else that is valuable."



ESSAY No. 15.

Cows.—Is there any room to doubt that the profits of our dairies may be greatly augmented by a proper attention to the breed of milk-cows? There is some prejudice on this point. It is said good keeping makes good cows, yet those who say it, see in their own cow yards very frequently, a single cow, not bigger nor better fed than others, giving double the quantity of milk. It is very careless and stupid to go on rearing the calves from poor cows in preference to those from good cows, yet this is pretty generally done, because the excellent cows bring excellent fat calves for the market. Their good or bad qualities are undoubtedly, as well as their color and size—at least in a very considerable degree. Why should we scruple this any more than the improvement of the breed of horses? The bull is to be chosen with no less care than the cow. The best cows for milk may be reared as certainly as horses for racing or draught—and in a dairy country, the total neglect of this important care is shameful and unaccountable. We have selected these few remarks for the present—at another time we intend to offer some observations on rearing calves and the management of the dairy.

PARIS, OCT. 18.

Extracts from the Journal of Savoy.

"We are able to furnish proof of a very important fact in agriculture and rural economy. We caused the shoots of potatoes which have been preserved over the winter, to be planted in our gardens and presence, in a vertical manner, that is to say, one end in the ground, and the other out. Soon after, the leaves appeared, and the stocks grew complete in all their parts; in short, nothing was wanting to crown the experiment, since the produce in quantity and quality was the same as from the common process of cultivation."

PARIS, NOV. 29.

A new discovery has just been made on the potatoe, very precious for the art of making paper. The dregs of the tubercle, grated and cleared of its starchy substance, it appears, mixes itself easily with the common preparation, or paste, with which the paper is made.

A Chymist of Copenhagen has discovered a brilliant yellow matter for dying in potatoe tops. The mode of obtaining it, is by cutting the top when it is in flower, and bruising and pressing it to extract the juice. Lichen or woollen kept in this liquor 48 hours, takes a fine, solid and permanent yellow colour. If the cloth be afterwards plunged in a blue dye, it then acquires a beautiful permanent green colour.

PATENT HARVESTER.

The model of a machine to cut, thresh and clean wheat, rye, oats, barley, &c. at one operation, is now exhibiting at the Tontine Coffee House, by the inventor, and has attracted the attention of many gentlemen of science, and practical agriculturalists, all of whom we understand, express the highest opinion of its merits. The machine is constructed to be moved by the strength of one horse—enters a field of wheat, rye, &c. will take "a two men's land ahead," and cut, thresh and fan the grain fit for the mill or market, and without waste or leaving any thing behind to be gleaned.—This complete operation can be performed as fast as a horse can walk. The machine may be separated and used only for cutting and gathering the grain, which will render it extremely simple and effective. It is calculated that two horses, and one man to attend them, will cut and gather the grain from twenty five acres per day. The net cost of a machine for cutting and gathering the grain will not exceed one hundred dollars; and a machine complete, for performing the whole operation of preparing the grain for the mill, about double that sum.—*N. York Mer. Adv.*

Gov. Wolcott, of Connecticut, has been elected President of the Litchfield Agricultural Society.

A Mr. Anzani proposes, if aided by Congress, to plant a Vineyard in Washington City.

Longevity.—Died, a few days ago, in this county, at the very advanced age of 115 years, Mr. Lilly. He retained his health and strength nearly to the last—had no family, and like Col. Boon, the first settler of Kentucky, was a hunter, and supported himself chiefly by his gun. It is worthy of remark, that this old man never owned or had a bed in his house.

Washington, (N. C.) paper.